

**Warrant for Special Town Meeting
Monday, May 7, 2012**

To either of the Constables of the Town of Stoneham in the County of Middlesex, GREETING:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the **Town Hall, 35 Central Street**, on

Monday, May 7, 2012

at 7:30 o'clock in the evening to act on the following Articles of this Warrant:

Article 1. To see if the Town will vote to authorize the transfer of the care, custody, management and control of the former North Elementary School property and the building thereon ("North Elementary School") located at 195 Collincote Street, identified by the Town of Stoneham as Board of Assessors' Tax Map 11, Parcel 303, and as shown Lots A, B, C and D on a plan entitled "Subdivision Plan of Land at #195 Collincote Street Stoneham, Massachusetts Scale: 1" = 40' January 25, 2012 Robert E. Grover Town Engineer" ("Plan of Land") a copy of which is on file with the Town Clerk, and as further described below, from the Stoneham School Committee to the Board of Selectmen for the purpose of the sale of the North Elementary School by the Board of Selectmen, said transfer pursuant to M.G.L. c.40, sec. 15A, and further to authorize the Board of Selectmen to sell said North Elementary School, pursuant to M.G.L. c.40, sec. 3 to Collins Development, Inc. (or its nominee if approved by the Board of Selectmen), pursuant to a Purchase & Sales Agreement(s) that has been or may be entered into by the Town of Stoneham, by and through its Board of Selectmen, which Purchase and Sales Agreement(s) arises from the "Request for Proposal North Elementary School 195 Collincote Street, Stoneham, MA 02180" [Lot D] and the "Request for Proposals Sale of Land Three (3) Parcels of Land [Lots A, B & C] For Single Family Residential Development Formerly Part of the North Elementary School Property 195 Collincote Street, Stoneham, MA 02180", both dated February 22, 2012, and the Proposals submitted in response thereto by Collins Development, Inc., dated March 27, 2012. A running description of Lots A, B, C and D are also on file with the Town Clerk.

The Board of Selectmen and the Town Administrator are hereby authorized to take any action necessary in furtherance hereof.

Or do anything in relation thereto.

Board of Selectmen

Article 2. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-Laws, by:

1. Adding Section 4.21 – North Elementary School Overlay District, as follows:

4.21.1 Purpose:

The purpose of the North Elementary School Overlay District is to allow the as-of-right development and use of a residential building with no more than twelve (12) dwelling units on a portion of the site of the former North Elementary School at 195 Collincote Street, located within the underlying Resident A Zoning District, in order to best reuse this unique property and building. The North Elementary School Overlay District allows an additional land use option and does not eliminate or alter zoning rights permitted in the underlying zoning district.

4.21.2 Use(s) Permitted As Of Right:

4.21.2.1 One building for residential use with no more than twelve (12) dwelling units:

- (a) Each dwelling unit containing no more than two (2) bedrooms.
- (b) There shall be one thousand (1,000) square feet of usable common open space per dwelling unit. Usable common open space shall mean areas left substantially in a natural state or improved by such landscaping as required in Section 6.5 and primarily designed and intended for the active and passive recreation of the occupants of the dwellings. Usable common open space shall not include street rights-of-way, open parking, or service areas, driveways, easements for above-ground utilities, required minimum front yards, land with greater than a ten percent (10%) slope or land deemed unsuitable for common open space by the Building Inspector after consultation with the Town Engineer for reason of poor drainage.

4.21.3 Accessory Buildings and Structures:

4.25.3.1 There shall be no accessory buildings or other structures, other than a flagpole or as otherwise required by applicable law, bylaws or regulations of the Commonwealth of Massachusetts or the Town of Stoneham, except as allowed by Special Permit from the Planning Board, pursuant to Section 7.4. There shall be no personal wireless service facility, including, but not limited to, a cellular facility, tower or antenna, or any other telecommunication facility or structure, except to the extent required by applicable federal or state law.

4.21.4 Off-Street Parking, Layout, Screening and Loading Requirements

4.21.4.1. Off-Street Parking, Layout, Screening and Loading Requirements shall be in accordance with Section 6.3, except as follows: (a) two (2) off-street parking spaces for every dwelling unit; (b) the Section 6.3.5.2 requirement regarding the shielding of abutting properties from headlight glare shall apply to the protection of properties across a public or private way from the subject property, other than in the area of a driveway or other entrance or egress; and (c) Section 6.3.7 (Off-Street Loading) shall not be applicable.

2. Amending Section 5.2.1 – Table One – Dimensional Requirements, by adding the following (footnotes currently existing on the top line of Section 5.2.1 setting out the dimensional categories are not shown below, but shall be applicable):

SECTION 5.2.1 TABLE ONE - DIMENSIONAL REQUIREMENTS

District	Minimum Lot Size in Square Feet	Frontage and Lot Width in Feet	Percent Coverage	Minimum Setback in Feet			Height in Feet
North Elementary School Overlay District	100,000	Frontage – 50 Width - 50	20	Front 20 ⁽²⁰⁾	Side 10 ⁽²⁰⁾	Rear 30 ⁽²⁰⁾	40 ⁽²¹⁾

(20) A flagpole, retaining wall of no greater than five feet (5') in height, ramp, stairway or bulkhead from the ground level to the basement are all excluded from the setback requirements.

(21) A cupola, chimney or appurtenance accessory to such multi-family residential structure and use allowed under this Section 4.21 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (55') in height.

3. Amending Section 6.7 – Signs, by adding the following to the end of the title of the Residence A chart – “and North Elementary School Overlay District”.

4. Amending the Zoning Map of the Town of Stoneham by adding a portion of the current North Elementary School property located at 195 Collincote Street to the new North Elementary School Overlay District, as shown as Lot D on a plan entitled “Subdivision Plan of Land at #195 Collincote Street Stoneham, Massachusetts Scale: 1” = 40’ January 25, 2012 Robert E. Grover Town Engineer”, on file with the Town Clerk, and more specifically shown on the Plan of Land, as follows:

Lot D

Beginning at a point in the northerly sideline of Collincote Street, a 50.00 foot public way, the line runs along said northerly sideline westerly by a curve to the left of radius 454.53 feet, 54.33 feet, to a point; thence the line turns and runs north 21-40-00 east, 40.00 feet, to a point; thence continuing north 11-32-11 east, 65.18 feet, to a point; thence the line turns and runs north 73-54-50 west, 147.00 feet to a point at land now or formerly of Colonial Court Realty, Inc.; thence the line turns and runs by land of Colonial Court realty, Inc., north 16-05-10 east, 418.33 feet, to a point; thence the line turns and runs south 72-47-00 east, 60.95 feet, to a point; thence the line runs south 74-27-40 east, 164.63 feet, to a point; thence the line turns and runs south 19-22-40 west, 160.26 feet, to a point; thence the line turns and runs south 70-37-20 east, 74.00 feet, to a point; thence the line turns and runs south 19-22-40 west, 213.61 feet, to a point; thence the line turns and runs north 70-37-20 west, 50.00 feet, to a point; thence the line turns and runs south 30-27-39 west, 98.99 feet,

to a point; thence continuing south 19-22-40 west, 40.00 feet, to the point of beginning. Said Lot D containing 111,380 square feet, more or less.

The motion for this Article may to the extent consistent with applicable law, vary any of the above provisions, including the amendment, addition or deletion of a provision(s), including, but not limited to, any dimensional, parking or other requirement (including any minimum or maximum requirement), if it would further the purpose of this Article as set out in Section 4.21.1 above.

Or do anything in relation thereto.

Board of Selectmen

Article 3. To see if the Town will vote to raise and appropriate from the water surplus account \$300,000 for the purpose of defraying the cost of repairing and paving streets where new water construction has previously taken place or do anything in relation thereto.

Board of Selectmen

Article 4. To see if the Town will vote to raise and appropriate or transfer from available funds \$400,000 for the purpose of defraying the cost of constructing water mains or replacing or relining existing water mains, hydrant replacement, water meter installations, purchasing equipment, or maintain the water system within the limits of the Town, or do anything in relation thereto.

Board of Selectmen

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds \$400,000 for the purpose of defraying the cost of construction or rehabilitation of sewer mains, manholes, pump stations or appurtenances, purchasing equipment, or maintain the sewer system within the limits of the Town, or do anything in relation thereto.

Board of Selectmen

Article 6. To see if the Town will vote to transfer Ninety-Five Thousand Dollars (\$95,000) from the Overlay Surplus Account into the Stabilization Fund, or do anything in relation thereto.

Board of Selectmen

Article 7. To see if the Town will vote to amend the Stoneham Town Code, Chapter 15, Zoning By-law by amending Section 4.13 and Section 5.2.1 to read as follows:

Section 4.13 Commercial / Mixed Use District

4.13.1 Purpose

The purpose of the Commercial / Mixed Use District is to provide for the development and redevelopment of the Fallon Road area. The district provides for a wide range of uses, including residential and mixed commercial, office, and residential use buildings, while continuing to provide for the light industrial and office uses that have occupied the area since the 1960s.

4.13.2 Uses in the Commercial/Mixed Use District permitted as of right.

- 4.13.2.1 Apartment Building or Town house Design Dwelling Units, provided that:
- (a) There is a maximum of twenty (20) units per acre and a minimum of twelve (12) units per acre.
 - (b) Each structure shall be connected to and serviced by municipal water and sewer.
 - (c) Planning Board may require a portion of the property to be open space.
 - (d) All existing or proposed utilities shall be installed underground at the time of initial construction.
 - (e) The applicant must provide documentation to the Planning Board that the site is satisfactory in regard to drainage, water supply, and sewage disposal for the number of units to be constructed, such documentation to be prepared by a registered professional engineer and approved by the Planning Board.

4.13.3 Uses Permitted with Site Plan Approval by Board of Selectmen:

- 4.13.3.1 Restaurant, public dining room or lunch room with a gross floor area not greater than five thousand (5,000) square feet.
- 4.13.3.2 Retail store, service establishment, and retail business with gross square floor area not greater than fifty thousand (50,000) square feet.
- 4.13.3.3 Medical and dental offices, laboratories and clinics.
- 4.13.3.4 Office Buildings.
- 4.13.3.5 Office Parks.

- 4.13.3.6 Research Laboratory with uses such as, but not limited to, electronics, engineering, and software.
- 4.13.3.7 Light Manufacturing.
- 4.13.3.8 Industrial Parks.

4.13.4 Uses permitted with a Special Permit Granted by Planning Board:

- 4.13.4.1 Wireless Service Facility (including its supports) subject to the provisions of 6.11 Wireless Service Facility Regulations and Restrictions.

4.13.5 Uses Permitted with a Special Permit Granted by the Planning Board and Site Plan Approval by the Board of Selectmen:

- 4.13.5.1 Restaurant, public dining room or lunch room with gross floor area of greater than five thousand (5,000) square feet with or without drive through facilities.
- 4.13.5.2 Retail store, service establishment, and retail business with gross floor area greater than fifty thousand (50,000) square feet.
- 4.13.5.3 Hotels including both full service and extended stay and related accessory uses in support of a hotel such as fitness and dining facilities, business center, restaurant, meeting rooms and retail shops wholly within the premises.
- 4.13.5.4 Research and Development Laboratory engaged in any one of the following: research, experimental and testing activities and production; including but not limited to the fields of life sciences, biology, chemistry, electronics, engineering, geology, medicine and physics excluding any high hazard uses.
- 4.13.5.5 Mixed Use Building
 - (a) Buildings with residential units shall also meet the requirements of Section 4.13.6.
- 4.13.5.6 Elder Congregate housing, resident care living facility, including without limitation, nursing facility, assisted living facility, hospice care facility and long term care facility.
- 4.13.5.7 Electric utility substation.
- 4.13.5.8 Contractor's storage warehouses and buildings, and wholesale distribution plants.
- 4.13.5.9 Auto repair services provided that:

- (a) All service is performed within an enclosed structure.
- (b) Such building shall be located not less than one hundred (100') feet from properties used or zoned for residential purposes, and not less than six hundred (600) feet from a school.
- (c) Such building shall be set back at least fifty (50') feet from the street right-of-way.
- (d) No motor vehicles in an inoperative condition are to remain on such site for more than a two (2) week period unless enclosed in a building or fenced or screened from abutting properties.

4.13.5.10 Banquet Facilities, Function Halls, and Dinner Theaters.

4.13.6 Off-Street Parking, Layout, and Loading Requirements for Commercial/Mixed Use District shall be in accordance with Section 6.3 Off-Street Parking Requirements except as follows:

- (a) Minimum required parking of 1.7 parking spaces per dwelling unit.
- (b) Parking spaces shall be a minimum of eight (8') feet by sixteen (16') feet.
- (c) Minimum aisle width of twenty-two (22') feet.
- (d) No minimum or maximum for the number of driveways permitting entrance to and exit from a lot to a street.
- (e) Parking spaces shall be on the same lot as the principle use except that parking spaces may be provided on an adjacent lot provided there is a recorded parking easement for said parking.
- (f) Tandem parking spaces are allowed for Town house use.
- (g) One level of parking within the building footprint is allowed beneath the uses permitted as described in 4.13.2.1 above in which case the height regulation of Section 5.2.1 Table One will be raised ten (10') feet for that building.
- (h) No requirement for off-street loading area for Apartment Building or Town house design residential use and a minimum of one (1) off-street loading area per office or retail building.

Zoning

Chapter 15

TABLE ONE - DIMENSIONAL REQUIREMENTS

District	Minimum Lot Size in Square Feet	Frontage & Lot Width in Feet ⁽¹⁾	Percent Coverage ⁽²⁾	Front		Minimum Setback in Feet		Rear ⁽¹³⁾	Height in Feet
Residence A	10,000 ⁽¹⁾	90	30	20	10 ⁽⁸⁾		15 ⁽⁸⁾⁽¹⁰⁾	30	
Residence B	7,000 ⁽⁸⁾	75 ⁽⁹⁾	20	15 ⁽⁹⁾	10 ⁽⁹⁾		15 ⁽⁹⁾⁽¹⁰⁾	30	
Neighborhood Business	10,000	100	50	15	15		15	30	
Business	None Required	None Required	75	15	10		15	45	
Central Business	None Required	None Required	100	None	None		None	45	
Highway Business	10,000	100	75	20 ⁽⁹⁾	5		5	45	
Commercial	20,000	100	75	15	10		10	65	
Commercial/Mixed Use	10,000 sq Minimum	100	75	15	10		10	65 ⁽¹⁸⁾	
Commercial/Mixed Use (Residential Uses)	200,000 sq Minimum density = 12 units/acre, Maximum density = 20 units/acre	150	30	20	20		10	65 ⁽¹⁹⁾	
Medical ⁽¹¹⁾	40,000	150	40	40	20		50	65	
Recreation/Open Space	40,000	150	5	40	20		50	30	
Education ⁽¹²⁾	50,000	45	35	20	13		20	55	
Medical/Office/Residential	200,000/200,000/200,000	150/150/150	30/30/30	40 ⁽¹³⁾ /30 ⁽¹³⁾ /30 ⁽¹³⁾	20 ⁽¹³⁾ /20 ⁽¹³⁾ /10 ⁽¹³⁾⁽¹⁴⁾		20 ⁽¹³⁾ /20 ⁽¹³⁾ /10 ⁽¹³⁾⁽¹⁴⁾	97/97/65	
Railroad Right-of-Way Overlay District	None ⁽¹⁵⁾	None ⁽¹⁵⁾	75 ⁽¹⁵⁾	5 ⁽¹⁶⁾⁽¹⁷⁾	5 ⁽¹⁶⁾⁽¹⁷⁾		5 ⁽¹⁶⁾⁽¹⁷⁾	20	
East School Multi-Family Overlay District	20,000	Frontage – 150 Width – 130	50	40 ⁽²⁰⁾	10 ⁽²⁰⁾		30 ⁽²⁰⁾	40 ⁽²¹⁾	

(1) Except 40,000 feet for all non-residential uses.

- (1) Except 40,000 feet for all non-residential uses.
- (2) See 5.3.4 (Reserved)
- (3) Portion of lot devoted to structure.
- (4) Except that no part of a building may be placed within 15' of any street.
- (5) Plus 2,500 for each dwelling unit over one in a structure.
- (6) 30' for three or more dwelling units.
- (7) 150' for three or more dwelling units.
- (8) A minimum distance of ten (10) feet between buildings on adjacent lots in Residence A and B must be maintained.
- (9) Except 15' for freestanding pole or ground signs.
- (10) Except for pools which shall have a ten (10) foot minimum rear setback requirement. (5-12-86)
- (11) Residential uses in the Medical District shall conform to the requirements specified herein for the Residence B District.
- (12) No setback required where abutting public open or recreational space. (5-7-98)
- (13) Retaining walls over four (4') feet in height are permitted within the required front, side, and rear setbacks in the Medical/Office/Residential District.
- (14) Minimum Space between principal buildings on the same lot is ten (10) feet.
- (15) Fences as structures of six (6) feet in height or less and retaining walls of four (4') feet in height or less are excluded from front, side, and rear setback requirements except retaining walls over four (4') feet in height are permitted in the Medical/Office/Residential District in Note (13).
- (16) Except that there shall not be a setback requirement if the property abutting the subject lot line is owned by the same person or entity that is using the property in the Railroad Right-of-Way Overlay District. (Act. 11, 4-7-09)
- (17) Property in the Railroad Right-of-Way District shall not be used in calculating or otherwise complying with the frontage, lot size, percent lot coverage or setback requirements of an abutting property.
- (18) Height may be increased to 85 feet by Special Permit from Planning Board.
- (19) Height may be increased to 80 feet by Special Permit from the Planning Board in accordance with Sub-section 4.13.4.13(G).
- (20) A flagpole, retaining wall of no greater than five feet (5') in height, ramp, stairway or bulkhead from the ground level to the basement are all excluded from the setback requirements.
- (21) A cupole, chimney or appurtenance accessory to a residential structure and use allowed under this Section 4.20 are all excluded from this height limitation, but in no event may they be greater than fifty-five feet (55') in height.

Article 8. To see if the Town will vote to accept M.G.L. c.149, sec. 33E which will allow Town employees to obtain a leave of absence of not more than thirty (30) days in a calendar year to serve as an organ donor without: (i) loss of or reduction in pay; (ii) loss of leave to which the employee is otherwise entitled; and (iii) loss of credit for time or service. More specifically, Section 33E of Chapter 149 provides as follows:

Section 33E. (a) An employee of the commonwealth or of a county, or of a city or town that accepts this section, may take a leave of absence of not more than 30 days in a calendar year to serve as an organ donor, without loss of or reduction in pay, without loss of leave to which he is otherwise entitled and without loss of credit for time or service.

(b) If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than 7 days' notice before the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.

(c) An employer may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the attorney general may by regulation require.

(d) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this shall be subject to the second paragraph of section 150 and to section 180.

Or do anything in relation thereto.

Board of Selectmen

And you are directed to serve this Warrant by posting attested copies in at least ten (10) public places in the Town fourteen (14) days at least before the time for holding said meeting and by causing an attested copy to be published in some newspaper in the town, the publication to be not less than three (3) days before said meeting.

The remaining copies you are to have at the place and time of said meeting as aforesaid.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place aforesaid.

Given unto our hands this 13th day of April in the year of our Lord two thousand twelve.

Board of Selectmen

Frank Vallarelli, Chairman

Thomas Boussy

John F. DePinto

Richard S. Gregorio

Robert W. Sweeney

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